

...Petitioner in Crl.O.P.(MD)No.2325/2025 (A2)

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). Nos.2325 & 2311 of 2025

Sharolyn

...Petitioner in Crl.O.P.(MD)No.2325/2025 (A2)

V.Rajan

...Petitioner in Crl.O.P.(MD)No.2311/2025 (A3)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station
Colacel, Nagercoil,
Kanyakumari District.
Crime No.6 of 2025

... Respondent in both petitions (Complainant)

(In both petitions)

For Petitioners : Mr.N.Dilip Kumar

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Shanmugasundaram

PETITIONS FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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COMMON PRAYER :-

For Anticipatory Bail in Crime No.6 of 2025 on the file of the respondent-police.

COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 04.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 354(A), 506(i), 376 and 511 of Indian Penal Code, 1860 in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant was working as an Accountant in the Petrol Bunk run by A2, and A1 sexually exploited the defacto complainant for more than one and half years. Later, the defacto complainant was terminated from service and was also criminally intimidated. Though the defacto complainant informed A2, the wife of A4 and A3, the supervisor of the Petrol Bunk about A1, they also threatened the defacto complainant. Hence, the case.

4. Mr.N.Dilip Kumar, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that in fact, the defacto



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complainant along with an employee, misappropriated a huge amount and when the same was questioned by A1, A2 and A3, she lodged a false case against the petitioner.

He however submits that the petitioners have appeared before the respondent-Police as per the directions of this Court and are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.Shanmugasundaram, learned counsel appearing for the intervenor submits that the defacto complainant was continuously harassed by A1 for the past one and half years and when the same was informed to the petitioners, they threatened the defacto complainant. He prays to dismiss the present Criminal Original Petitions.

6. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, prays to dismiss these Criminal Original Petitions in view of the offences alleged against the petitioners. However he concedes that the petitioners have appeared before the respondent-Police and co-operated for investigation.

7. Heard on both sides. This Court has perused the records.

8. It is stated that as directed by this Court on 28.02.2025, the petitioners appeared before the respondent-Police on 06.03.2025. The respondent-Police has also recorded the statements of the petitioners. In view of the above facts and circumstances, this Court is of the opinion that the custodial interrogation of the



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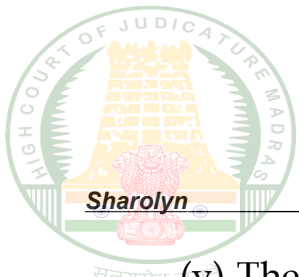
petitioners is not necessary for the Investigation Agency. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Eraniel, Kanyakumari District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each along with two sureties each for a like sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanyakumari District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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Court;

(v) The petitioners shall not leave India without the previous permission of the

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

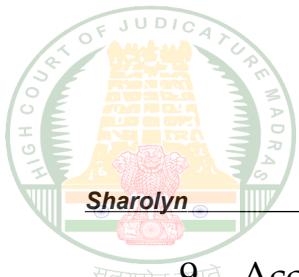
(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Eraniel, Kanyakumari District;

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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9. Accordingly, these Criminal Original Petitions are allowed subject to the conditions stated supra.

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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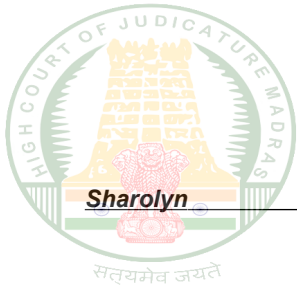
1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACEL, NAGERCOIL,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.N.DILIPKUMAR, Advocate (SR-2907 & 2908[I] dated 17/03/2025)



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ORDER
IN
CRL OP(MD) No.2325 & 2311 of 2025
Date :14/03/2025

HPS/SAR / 03.04.2025/7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.